

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

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September 9, 2003

FROM: MICHAEL E. HAYS, Director
Land Use Services Department/Current Planning Division

SUBJECT: GENERAL PLAN AMENDMENT AND TENTATIVE TRACT MAP 16337;
APPLICANT: RAUL MADRID; **JCS/INDEX:** 11354CF1/W149-84/2002/TT16337/
TT01/GPA01; APN: 0230-081-14*; COMMUNITY: FONTANA

RECOMMENDATION:

1. **CONDUCT** a public hearing to consider a **DECLARATION OF AN INTENT** to:
 - a) **ADOPT** a Mitigated Negative Declaration;
 - b) **ADOPT** a General Plan Amendment (GPA) from Multiple Residential 7,000 sq. ft. per unit (7M-RM) to Single Residential (RS) 10.49 acres; Applicant: Raul Madrid; JCS/Index: 11354CF1/W149-84/2002/TT 16337/TT01/GPA01; APN: 0230-081-14*; Community: Fontana.
 - c) **APPROVE** Tentative Tract Map 16337 to create 24 lots on 5.39 acres, subject to the successful completion of Conditions of Approval;
 - d) **ADOPT** the Findings as recommended by the Planning Commission related to the General Plan Amendment and the Tentative Tract Map, and find that the Mitigative Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgement of the County;
 - e) **FILE** a Notice of Determination.
2. **CONTINUE** for Final Adoption with the Third Cycle 2003 General Plan Amendments.

BACKGROUND INFORMATION: The project is a General Plan Amendment (GPA) to change the Official Land Use District from Multi-Family Residential, 7,000 S.F. of land per unit (7M-RM) to Single Residential (RS) on 10.49 acres generally located between Live Oak Avenue and Beech Avenue south of Foothill Boulevard (State Highway/Route 66). The project site lies within the City of Fontana sphere of influence area, and is located less than a ¼ mile south of the Fontana City limits. The area of the GPA is currently composed of vacant parcels and scattered single family residences on large lots.

The applicant has filed a concurrent application for a Tentative Tract (TT 16337) on a 5.39 acre portion of the GPA area. This is an infill project with proposed lots exceeding the minimum requirement for RS land uses (7,200 sq. ft.). It is consistent with similar developments adjacent to the GPA boundaries. The tentative tract site is vacant and disturbed. Although there is a cluster of trees found toward the eastern portion of the site, they are not considered significant resources.

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The project does not conflict with the County General Plan with respect to the loss of multi-family residential lands as there are sufficient, vacant, multiple residential lots in the immediate region that remain empty and available for future development of multi-family housing. Government Code Section 65863 requires a finding be made when there is "down zoning" that "the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584". The inventory of remaining sites is adequate to accommodate the County's share of the regional housing need, as set forth in Government Code Section 65863, hence this finding can be made in the affirmative.

The Planning Commission reviewed the original project on March 6, 2003, and denied the applications for GPA and Tentative Tract, and recommended that the applicant include additional area in the GPA and make revisions to the tract. The applicant appealed the Commission's decision to the Board of Supervisors; however, he later withdrew the appeal and the Commission's decision became final. The project before you reflects the revisions suggested by the Commission and staff.

An Initial Study has been completed in compliance with the California Environmental Quality Act (CEQA) that finds that the proposed project will not have any impacts that will remain potentially significant, after implementation of appropriate conditions of approval. Therefore, a Mitigated Negative Declaration is recommended as the appropriate environmental action.

The proposed project has been reviewed by the Development Review Committee and received a recommendation for approval subject to completion of minor revisions. All such revisions have been incorporated in the plan that was forwarded to the Planning Commission and now to the Board of Supervisors. There were no letters received expressing opposition to this proposal during the proposal's review and comment period.

On August 7, 2003, the Planning Commission recommended that the Board of Supervisors approve the proposed GPA/TT16337.

REVIEW BY OTHERS: This item has been reviewed by Deputy County Counsel Robin Cochran on August 26, 2003, and by the County Administrative Office, Tom Forster, Administrative Analyst III on August 27, 2003. This item was heard by the Planning Commission on March 6, 2003, and August 7, 2003.

FINANCIAL IMPACT: There are no financial impacts associated with this item.

SUPERVISORIAL DISTRICT(S): 2nd

PRESENTER: Julie M. Rynerson, Division Chief – Current Planning Division, 387-4146